

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

EXHIBIT 64

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

In connection with Notice of Appeal filed by
William M. Davis and DAREA [Dkt. #8369].

Item	Date Filed	Docket Number	Description
64	7/28/2014	6388	Supplementary Objection to Chapter 9 Plan filed by Creditor Cecily R. McClellan

July 25, 2014

Case No 13-53846

Judge Steven W. Rhodes

C/O Clerk of Court

Eastern District of Michigan

Southern District

211 W. Fort Street Suite, 1800

Detroit, Michigan

FILED
2014 JUL 28 P 3:25
U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

Supplementary Objection

Objection Docket # 596, No. 4; how can our right to sue be threatened and or eliminated?

As a retiree of Class 11 and Class 12 of the City of Detroit, in the Bankruptcy Fourth Amended Disclosure Statement with Respect to the Fourth Amended Plan for the City of Detroit, I objects to any and all releases in the plan that attempt to take my right to pursue legal actions against the City, State of Michigan, its officials and certain other related parties.

11U.S.C 903 states that chapter 9 does not limit or impair the power of a State to control, by legislation or otherwise, a municipality of or in such State in the exercise," ***with two exceptions-a state law prescribing a method of composition of municipal debt does not bind any non-consenting creditor, nor does any judgment entered under such state law bind a non-consenting creditor.***

I did not give my consent to the Plan of Adjustment, I rejected the Plan and I objected to it. I waive no rights to my full pension, annuities and medical benefits.

Language from the Plan of Adjustment for Plan Releases:

If the Plan is confirmed, it will be binding on you whether or not you vote. You will have no right to demand that the City pay you the full original amounts it owed for your pension or your OPEB benefits. You will only have the right to your reduced pension benefits or the treatment for OPEB Claims under the Plan.

Comprehensive State Release

In addition to protection from further claims against the City that is a standard part of any plan of adjustment, the Plan also proposes to grant to the State of Michigan, its officials and certain other related parties a comprehensive release of any obligation they might have with respect to your pension claim and other claims against the City. This is called the Comprehensive State Release. The Bankruptcy Court will have to approve this Comprehensive State Release, and it may not do so. If the Comprehensive State Release is approved, you will not be allowed to sue the State, the City or any State officials to restore pension benefits or argue that the City did not have the power to reduce pensions, even if you vote to reject the Plan, you vote to reject the Plan. Specifically, this release would release all claims and liabilities arising from or related to the City, the Chapter 9 Case (including the authorization given to file the Chapter 9 Case), the Plan and exhibits thereto, the Disclosure Statement, PA 436 and its predecessor or replacement statutes, and Article IX, Section 24 of the Michigan Constitution. If you are an active employee, the Comprehensive State Release does not release or discharge rights you have to your New Accrued Pension. If the Bankruptcy Court confirms the Plan but does not approve the Comprehensive State Release (or if the other



